

Message

From: Flynn, Aaron M. [flynna@hunton.com]
Sent: 4/3/2015 1:49:29 PM
To: Janette Brimmer [jbrimmer@earthjustice.org]
CC: Marc Shapp [mshapp@hgnlaw.com]; Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]; Michael Goodstein [MGoodstein@hgnlaw.com]; Anne Lynch [ALynch@hgnlaw.com]; vinceyazzie@yahoo.com; Bartlett, Brad [bbartlett@law.du.edu]; barthlawoffice@gmail.com; Amanda Goodin [agoodin@earthjustice.org]; Smith, Ryan A. [RSmith@BHFS.com]; Godfrey, Merrill C. [MGodfrey@AKINGUMP.com]; Paul Spruhan [pspruhan@nndoj.org]; Pongrace, Don [dpong race@AKINGUMP.COM]; Wehrum, William L. [wwehrum@hunton.com]; Fichthorn, Norm [nfichthorn@hunton.com]; Anderson, Lea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b8317edf62f74e67bcf42adbdf7785e9-LANDER03]; Lyons, Ann [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ea390c390e41fd84511d6cdc266cee-ALYONS]; Smith, Rodney [rodney.smith@sol.doi.gov]
Subject: Re: Briefing Schedule in Navajo Generating Station Litigation (Nos. 14-73100, 14-73101, and 14-73102)
Attachments: image002.gif; image003.jpg

Thanks for the suggestion, Janette. We had considered asking for the original schedule to be reinstated but understand that EPA in particular would not support such a request. As a result, we had hoped all parties might agree to the extension instead. Thanks for reaching out to your client.

Aaron

Sent from my iPhone

On Apr 2, 2015, at 8:05 PM, Janette Brimmer <jbrimmer@earthjustice.org<mailto:jbrimmer@earthjustice.org>> wrote:

I will check with my clients but I doubt they are willing to push this case back yet again. While waiting to hear from them, let me propose a solution that should help with your conflict which is to return to the schedule we were on which has EPA's response brief due Friday May 15, Intervenor's Friday May 29 (well before your conflict problem) and our final reply due Friday June 12. Given that NPCA and To Nizhoni Ani timely served and filed their briefs when originally due on March 16, neither EPA nor the intervenors will be prejudiced by retaining that schedule.

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From: Flynn, Aaron M. [mailto:flynna@hunton.com]
Sent: Thursday, April 02, 2015 1:30 PM
To: Marc Shapp; Dertke, Daniel (ENRD); Michael Goodstein; Anne Lynch; vinceyazzie@yahoo.com<mailto:vinceyazzie@yahoo.com>; Bartlett, Brad; barthlawoffice@gmail.com<mailto:barthlawoffice@gmail.com>; Janette Brimmer; Amanda Goodin; Smith, Ryan A.; 'Godfrey, Merrill C.'; Paul Spruhan; Pongrace, Don; Wehrum, William L.; Fichthorn, Norm; Lea Anderson; Lyons, Ann; Smith, Rodney
Subject: Briefing Schedule in Navajo Generating Station Litigation (Nos. 14-73100, 14-73101, and 14-73102)

Counsel,

As I'm sure you noticed last week, the Ninth Circuit has provided a new briefing schedule in the Navajo Generating Station litigation for Nos. 14-73100, 14-73101, and 14-73102. Under the new schedule, intervenor briefs are now due on June 12, 2015.

Unfortunately, the primary representative for our client in this litigation will be out of the country June 1 through the 12th, which will complicate preparation of our brief. The attorneys working on the case here at Hunton also have travel conflicts and conflicts with other significant client obligations the following week of June 15th. Because of these conflicts, I wanted to see if you would be open to a request for a two week extension for the intervenor briefs (making them due June 26) with a similar extension for petitioners' reply briefs, from June 26 to July 10, 2015.

I have spoken with counsel for the other intervenors and EPA, who are also copied here, and they do not object to such a proposal.

If you could let us know your clients' positions on our proposed extension, by close of business tomorrow if possible, we would very much appreciate it. If you have any questions, please get in touch.

Best,

Aaron

<image003.jpg>

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